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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,804	12/09/2003	Bernard Leon Bensussan	1331.038USU	2702

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EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,804

Applicant(s)

BENSUSSAN, BERNARD LEON

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-26 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

The disclosure is objected to because of the following informalities:

Paragraph 022 on page 5 contains numerous errors relating to the reference characters used with their corresponding description. For instance, reference character "12" has been described as an extension pole in line 2 and an implement in line 9. Reference character "10" has been used to describe both a connecting member in line 1 and an extension pole in line 6. Reference character "14" has been used to describe both a working implement in lines 4 and 5 and an extension pole in line 9. The description of the extension pole in lines 6 and 9 contain different reference characters. The description of the implement in lines 2, 5, and 9 contain different reference characters. Appropriate correction is required.

Claim Objections

Claims 23 and 24 are objected to because of the following informalities:

regarding claim 23, note that the word "normally" in lines 13 and 14 are cutout by the quality of the fax and thus appear misspelled; and,

regarding claim 24, "connects" in line 6 should be --is connectable-- since the use of the active verb "connects" makes the connecting member being claimed in combination with the second part when the connecting member is for releasably connecting a first part to a second part. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Coutts, 2,832,612.

Regarding claim 22, Coutts discloses, in Figures 2 and 3, a connecting member comprising a housing **19** and a locking member **43**. The housing **19** has a first end, a second end, and an opening **40**. A pair of retaining rims **23,27** extends from the housing **19**. The locking member **43** has a tab **41** and a button **48**. The opening **40** is

defined in the housing **19** between the retaining rims **23,27**. The locking member **2** is disposed around the outside of the housing **19** between the retaining rims **23,27** so that the tab **41** normally biased through the opening **40**. The locking member **43** has a major axis (going between the ends **45** of the locking members) and a minor axis. The tab **41** is along the minor axis and the button **48** is along the major axis.

Allowable Subject Matter

Claims 23-26 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 23, the prior art of record does not disclose or suggest a connecting member further comprising a second locking member having a second button and a second tab normally biased through a third opening, and being in a housing. The closest prior art, Moretti et al., 5,374,088, only discloses one locking member and there is no motivation, absent applicant's own disclosure, to modify Moretti et al. because a second locking member with the configuration as claimed is not required;

regarding claim 24, the prior art of record does not disclose or suggest a connecting member comprising a second retaining rim having an inwardly depending second tab biased in a second opening of the housing (claim 24, line 8-9). The closest

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prior art, Coutts, 2,832,612, show a second retaining rim which are integral with the housing and do not have an inwardly tab; and,

regarding claims 25-26, these claims depend from claim 24.

Response to Arguments

Applicant's arguments filed February 12, 2007 have been fully considered but they are not persuasive.

Applicant argues that Coutts fails to disclose or suggest the locking member having a tab that is normally biased "through an opening into" the second part as required by claim 22. This is not persuasive since the tab 41 is "normally" biased through the opening 40. One looking at Figure 3 can clearly see that tab 41 passes through the opening 40. Also see column 2, line 32, which states "the pin 41 in the slot 40", which indicates the tab is biased through the opening.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Margid, 6,749,227, shows a locking member around the outside of a housing between a pair of retaining rims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-282-7083. The examiner can normally be reached from 9:30-6:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

E.P.

E.G.

April 29, 2007

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800